

January 6, 2014

MEMORANDUM TO: Mark A. Satorius
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS – SECY-13-0080 – FINAL PLAN FOR
RETROSPECTIVE ANALYSIS OF EXISTING RULES

The Commission has approved the final plan for retrospective analysis of existing rules and the *Federal Register* notice announcing its availability, subject to the following comments and edits.

The staff is reminded of the guidance of Office of Management and Budget (OMB) Circular A-4, "Regulatory Analysis," which states: "Sound quantitative estimates of benefits and costs, where feasible, are preferable to qualitative descriptions of benefits and costs because they help decision makers understand the magnitudes of the effects of alternate actions." (OMB Circular A-4 at 26)

1. The following changes should be made to the Final Plan.
 - a. Page 2, revise the Table of Contents page numbers as follows:
 - i. Item IV.B. 87
 - ii. Item IV.G 1342
 - iii. Item IV.I 1544
 - iv. Item IV.J 1645
 - v. Item IV.L 1746
 - vi. Item V. 1948
 - vii. Item V.A. 1948
 - b. Page 3, line 2, revise to read: "D. Final Plan ~~To~~ Be Revised Periodically"
 - c. Page 3, ¶ I.B, line 3, delete the comma after "develop,"
 - d. Page 4, lines 7 – 8, revise to read: "... (ADAMS) Accession No. ML111861807)."
 - e. Page 4, ¶ D.2.(b), line 2, add a comma after "rulemaking,"

- f. Page 5, ¶ II.B., line 2, delete the semi-colon after “up-to-date;”
- g. Page 5, add the following two sentences under the heading “III. PRIORITIZATION OF RULEMAKING ACTIVITIES”:
- “As described below, the NRC prioritizes its ongoing rulemaking activities based on regulatory importance and resources. These rulemaking activities provide a backdrop for the agency’s ongoing evaluation of its existing regulations (see Section IV).”
- h. Page 5, ¶ III.A.1, line 3, revise to read: “...February 2012),³ as well as...”
- i. Page 6, ¶ 3.(a), line 3, revise to read: “...implementation of that framework in light of information...”
- j. Page 6, ¶ C., line 5, revise to read: “...the current fiscal year (FY)...”
- k. Page 7, line 6, revise to read: “...activities which; when considered...”
- l. Page 7, ¶ IV.A.2., delete the last sentence: “The NRC is currently... RMRF recommendations.”
- m. Page 8, line 2, delete the comma after “met;”
- n. Page 11, ¶ E.1, lines 4 -5, revise to read: “...rules should be left unchanged...”
- o. Page 12, ¶ E.4, 1st sentence, revise to read: “..NRC recurring rulemakings ... of small entities (See Section III.B).”
- p. Page 12, ¶ E.5, line 3, revise to read: “...rulemaking process...”
- q. Page 12, ¶ F.1, line 7, revise to read: “... Committees that describes the status...”
- r. Page 14, ¶ G.6, 2nd sentence, revise to read: “Co-sponsored by the Office of Nuclear Reactor Regulation and the Office of Nuclear Regulatory Research, the RIC...”
- s. Page 15, ¶ I.2, line 4, revise to read: “...staff review, and, therefore, they...”
- t. Page 15, ¶ I.3, line 3, delete the comma after “revises;”
- u. Page 15, ¶ J.1, line 1, delete the comma after “groups;”
- v. Page 16, ¶ J.1.(b), line 2, revise to read: ‘...Generating Systems; ...’
- w. Page 16, ¶ J.1.(c), revise to read: ‘...Protection Systems; ...’
- x. Page 16, ¶ K.2, lines 5 - 6, revise to read: “...should make additional improvements further enhancements to these programs...”

- y. Page 16, revise heading L. to read: “L. Coordination and Communication with Other Federal Agencies, Tribes, and States Agencies”
- z. Page 16, ¶ L., 1st sentence, revise to read: “...Federal agencies, Native American Tribal representatives, and with State agencies...”
- aa. Page 16, ¶ L., 2nd sentence, revise to read: “...coordination with Native American Tribes and States.”
- bb. Page 17, ¶ L.2, line 7, revise to read: “...areas of their its jurisdiction...”
- cc. Page 17, ¶ L.3, lines 7 - 8, revise to read: “... categories establish whether a particular requirement is a matter of compatibility and the flexibility...”
- dd. Page 18, add the following as a new ¶ L.6., and renumber the existing ¶ L.6 as ¶ L.7.

“The NRC developed a Tribal Protocol Manual to enhance our internal protocols for interactions with Native American tribal governments that allows for custom-tailored approaches that will address both NRC and Tribal interest on a case-by-case basis. The NRC is preparing a policy statement on consulting with Native American Tribes and a revised Tribal Protocol Manual.”
- ee. Page 18, existing ¶ L.6.(c), line 2, revise to read: “The ISCORS is composed~~ed~~ of eight...”
- ff. Page 18, existing ¶ L.6.(d), add the following as the last sentence.

“The task force is composed of 14 Federal agencies and two nonvoting members from the States.”
- gg. Page 19, ¶ V.B. line 1, revise to read: “The Director of ADM will be responsible for the preparation, update, and implementation...”
- hh. Page 19, revise heading V.D to read: “D. Final Plant ~~T~~o Be Revised Periodically”

2. The following changes should be made to the *Federal Register* notice.

- a. Page 2, lines 12 - 13, revise to read: “...4209, at 301-415...”
- b. Page 8, line 2, delete the comma after “...invention, etc.)”
- c. Page 8, line 4, revise to read: “..or revise their its regulations.”
- d. Page 8, line 4, delete the comma after “E.O. 13579”
- e. Page 8, line 9, delete the comma after “that”
- f. Page 11, ¶ III.A., line 4, revise to read: “...should be left unchanged...”
- g. Page 12, lines 6 – 7, revise to read: “...rule will be left unchanged...”
- h. Page 12, line 8, revise to read: “...update the public Web ...”

- i. Page 12, lines 14 - 15, revise to read: "...procedures, which informs..."
- j. Page 12, line 16, revise to read: "...Unified Agenda; supersedes..."
- k. Page 12, 2nd to last line, add a colon after "to:"
- l. Page 12, last line, delete the semi-colon after "final rule;"
- m. Page 13, 2nd to last line, delete the colon after "the:"
- n. Page 13, last line, revise to read: "...decision making;"
- o. Page 14, line 1, revise to read: "... regulation;"
- p. Page 14, line 2, revise to read: "...activities;"
- q. Page 14, line 3, revise to read: "...Japan; ..."

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR